

## REMARKS

### **I. Introduction**

Receipt of a non-final office action dated October 21, 2005 is acknowledged. In the action, claims 51-54 and 70-71 are rejected under 35 U.S.C. § 112, first paragraph as allegedly not enabled. All other pending claims (claims 1, 4-6, 22, 28, 29 34-39, 45-47 and 61-69) are deemed allowable.

It is acknowledged that the foregoing amendments are submitted after final rejection. However, because the amendments do not introduce new matter or raise new issues, and because the amendments either place the application in condition for allowance or at least in better condition for appeal, entry thereof by the Examiner is respectfully requested.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **II. Status of the Claims**

Applicants cancelled claims 51-54 and 70-71.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Applicants note that the cancellation of claims does not constitute acquiescence in the propriety of any rejection set forth by the examiner. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequent divisional applications.

Upon entry of this amendment, claims 1, 4-6, 22, 28, 29 34-39, 45-47 and 61-69 will be under examination.

### **III. Rejection of the Claims Under 35 U.S.C. § 112, first paragraph**

Claims 51-54 and 70-71 are rejected as allegedly not enabled. In particular, the claims are rejected because “there is no extrapolation between the effect of hPRLA and hGH fusion

proteins that would lead one of skill in the art to correlate the results of hPRLA to those of hGH antagonists.” Office Action at 3.

In the interest of expediting prosecution, and without acquiescing to the Office’s rejection, Applicants cancelled claims 51-54 and 70-71. Applicants, however, reserve the right to file one or more divisional applications to the cancelled subject matter.

**CONCLUSION**

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

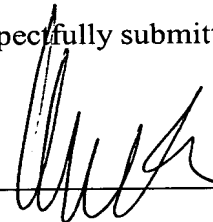
Examiner Yaen is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Date Oct 3, 2006

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5574  
Facsimile: (202) 672-5399

Respectfully submitted,

By 

Kristel Schorr  
Attorney for Applicant  
Registration No. 55,600